

JANUARY 27, 2004

**CITY OF GUNNISON COUNCIL
REGULAR SESSION MINUTES**

7:00 P.M.

Following a Work Session, the Regular Session was called to order at 7:00 P.M. by Mayor Ferguson with Councilmembers Stone, Simillion, Smits and Duba present along with City Attorney Landwehr, City Manager Collins, City Clerk Davidson, Police Chief Keehne, Community Development Director Hannon, Finance Director Hanson, Building Official Root, several interested citizens and the press.

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PUBLIC HEARING

7:00 P.M.

The Mayor opened the Public Hearing at 7:00 P.M. and stated the hearing is to receive public input on the Land Development Code text amendment application ZA-03-6 from John Roberts.

City Clerk Davidson stated she had proof of publication of the Public Hearing.

Community Development Director Hannon then gave a brief summary of the application. On January 7, 2004, the Planning & Zoning Commission held a public hearing on the application and there was no public input. Director Hannon stated the recommendation from the Planning Commission is to allow automobile sales and rental but not repair and service as an allowed use in the Central Business Zone. Staff and the City Attorney also agree with the Planning Commission's recommendation. Director Hannon asked that the application be entered into the record as Exhibit 1 and the recommendation from the City Planning & Zoning Commission be entered into the record as Exhibit 2. The Mayor asked the City Clerk to do so.

Mayor Ferguson asked for applicant testimony. Mr. and Mrs. John Roberts were present but did not have any testimony.

The Mayor called for any testimony, pro or con, from the public. Hearing none, he closed the Public Hearing at 7:04 P.M.

Consideration of Minutes:

Regular Session Minutes of January 13, 2004.

Councilmember Duba moved and Councilmember Simillion seconded the motion to approve the Regular Session Minutes of January 13, 2004, as submitted.

Roll call vote, yes: Simillion, Stone, Ferguson, Smits, Duba. So carried.

Roll call vote, no: None.

Pre-Scheduled Citizens: None.

Unfinished Business: None.

New Business:

Text Amendment to City Land Development Code Application ZA-03-6 from John Roberts, Re: Automobile Sales and Rental in the Central Business District. Community Development Director Hannon restated the Planning Commission's recommendation, as well as Staff's recommendation, is to allow automobile sales and rental but not service and repair.

Councilmember Duba stated he would prefer to have this action allowed as a conditional use. Director Hannon explained the text amendment was the decision of the applicant. Mr. Roberts felt this was the better way to proceed with this action. Councilmember Duba then stated the Planning Commission recommendation allows for two things: it allows an existing business to expand; and it preserves the Central Business District.

Councilmember Stone moved and Councilmember Simillion seconded the motion to accept the Planning Commission's report and recommendation on Application ZA-03-6 for a text amendment to the Land Development Code to allow for automobile sales and rental in the Central Business District and to authorize the City Attorney to develop the appropriate ordinance.

Roll call vote, yes: Stone, Ferguson, Smits, Simillion. Carried by majority.

Roll call vote, no: Duba.

Vacation Application VF-03-2 from Gunnison County for Vacation of a Portion of Railroad Avenue and Boulevard Street adjacent to the Gunnison/Crested Butte Regional Airport. This item was discussed at the Work Session prior to the Regular Session.

Councilmember Stone moved and Councilmember Duba seconded the motion to accept the Planning & Zoning Commission's recommendation to approve the vacation of a portion of Railroad Avenue and Boulevard adjacent to the Gunnison/Crested Butte Regional Airport with the following recommendations: 1. That the County provide a cul-de-sac that meets the needs of a tractor trailer or work vehicle that is commonly used in the Industrial Zone; 2. that the appropriate legal mechanisms for public access to the cul-de-sac be incorporated; 3. that easements be reserved over all portions of the vacated rights-of-way; that, if a survey is required to reserve these easements, the County will be responsible for all costs incurred; and 4. that the vacated portions be maintained at their existing condition levels until access is finally closed to the public. In addition, the City Attorney be instructed to work with the County on the preparation of the necessary agreement and required vacation ordinance.

Roll call vote, yes: Ferguson, Smits, Duba, Simillion, Stone. So carried.

Roll call vote, no: None.

Contract with Sink Combs Dethlefs for Architectural Services for Community Center Project. City Manager Collins informed Council the final draft of the contract is not ready at this time and several items will be discussed at a meeting with the architects on Thursday morning at 10:00 A.M. The final contract should be ready for the February 10, Regular Session.

Councilmember Smits moved and Councilmember Duba seconded the motion to table action on the Contract with Sink Combs Dethlefs for Architectural Services for the Community Center Project until the February 10, 2004, City Council Regular Session.

Roll call vote, yes: Smits, Duba, Simillion, Stone, Ferguson. So carried.

Roll call vote, no: None.

Re-appointment of Ken Bradford as City Representative to Municipal Energy Agency of Nebraska (MEAN) Board of Directors.

Councilmember Duba moved and Councilmember Stone seconded the motion to re-appoint Ken "Tex" Bradford as the City Representative to the Municipal Energy Agency of Nebraska (MEAN) Board of Directors with a term of three years.

Roll call vote, yes: Duba, Simillion, Stone, Ferguson, Smits. So carried.

Roll call vote, no: None.

Re-appointment of Ken Coleman as City Alternate to MEAN Board of Directors.

Councilmember Stone moved and Councilmember Simillion seconded the motion to re-appoint Ken Coleman as the City's Alternate to the Municipal Energy Agency of Nebraska (MEAN) Board of Directors with a term of three years.

Roll call vote, yes: Simillion, Stone, Ferguson, Smits, Duba. So carried.

Roll call vote, no: None.

Designation of Public Posting Place for Official City Agendas, Minutes and Meeting Notices.

Councilmember Stone moved and Councilmember Simillion seconded the motion to designate the bulletin board located inside the north entrance of City Hall and the bulletin board located inside the east entrance of City Hall as the official posting places for the City of Gunnison.

Roll call vote, yes: Stone, Ferguson, Smits, Duba, Simillion. So carried.
Roll call vote, no: None.

Ordinance and Resolutions:

Ordinance No. 1, Series 2004; Re: Amendment to Floodplain Regulations, 2nd Reading.

Councilmember Duba introduced Ordinance No. 1, Series 2004, and it was read by title only by the City Attorney.

Councilmember Duba moved and Councilmember Stone seconded the motion that Ordinance No. 1, Series 2004, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING THE PROVISIONS OF CHAPTER 14, ARTICLE 6, THE FLOOD DAMAGE PREVENTION REGULATIONS OF THE CITY CODE OF THE CITY OF GUNNISON, COLORADO**, be introduced, read, passed and adopted on second reading this 27th day of January, 2004.

Roll call vote, yes: Ferguson, Smits, Duba, Simillion, Stone. So carried.
Roll call vote, no: None.

Ordinance No. 2, Series 2004; Re: Text Amendment to Chapter 15 of the Land Development Code of the City Code of the City of Gunnison Regarding Automobile Sales and Rental in the Central Business District, 1st Reading.

Councilmember Smits introduced Ordinance No. 2, Series 2004, and it was read by title only by the City Attorney.

Councilmember Smits moved and Councilmember Simillion seconded the motion that Ordinance No. 2, Series 2004, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING CHAPTER 15 OF THE LAND DEVELOPMENT CODE OF THE CITY CODE OF THE CITY OF GUNNISON, ADOPTING A DEFINITION OF “AUTOMOBILE SALES AND RENTAL”, AND AMENDING TABLE 7-3 OF CHAPTER 15, SCHEDULE OF USES – COMMERCIAL/INDUSTRIAL ZONE DISTRICTS, TO MAKE AUTOMOBILE SALES AND RENTALS AN ALLOWED USE IN THE CENTRAL BUSINESS DISTRICT**, be introduced, read, passed and ordered published on first reading this 27th day of January, 2004.

Councilmember Smits, addressing Councilmember Duba’s concerns, informed Council that the Planning & Zoning Commission did look at the conditional use process for this application. However, there were drawbacks for the applicant. Councilmember Duba stated he does honor the Commission’s recommendation and while it is not a perfect solution, the City does recognize the applicant’s request for the text amendment.

Councilmember Stone stated there are problems with the Land Development Code in that the definition of repair is not clear, especially in the context of the Central Business District. Vehicle parking also makes this application a problem if it were a conditional use.

Roll call vote, yes: Smits, Duba, Simillion, Stone, Ferguson. So carried.
Roll call vote, no: None.

City Attorney: Nothing to report.

City Manager: Mark Collins. 1. The City Manager informed Council McPorts go out next week. 2. Staff met this morning and developed the 2004 workplans. The plans are developed with input from each employee in the department and then are compiled by the department supervisors and managers. A copy will be distributed to Council next week. If Council has any questions or comments about a department’s workplan, please get with the department head. 3. Lastly, he will be attending the CAST meeting in Breckenridge this Friday.

Acting City Manager: Police Chief Jim Keehne. Chief Keehne informed Council that he placed the annual Police Department report in their packets. He reviewed the department's services, including Records, Neighborhood Services, Communications and the Police Officers. The report contains statistical information and the goals and objectives for 2004. The report will be available to the public. Councilmember Stone complimented the Police Chief on the good report.

Councilmember Smits asked the Chief if the City has a representative attending the meetings concerning the new County detention facility. The Police Chief stated he attends those meetings as does the City Manager. Councilmember Smits asked if there was any further information on the 4-H dance incident and the Chief replied no, not at this time.

City Clerk: Gail Davidson. City Clerk Davidson invited Council to attend the Youth City Council meeting on February 22, when the students will begin the decision making process of the 54 grant requests they received. She also informed Council she has received 3 inquiries about the openings on the Gunnison Land Preservation Board but none for the vacancy on the Building Board of Appeals. She asked Council to ask anyone they know in the construction trades if they would be interested in serving.

Non-Scheduled Citizens: None.

General Discussion/Items for Work Session:

Mayor Ferguson: Report on Mayors/Managers Meeting. Mayor Ferguson stated he attended the ski-in meeting at the CBMR Ice Bar. The group discussed the financial situation of RE1J, the County jail project, the status of the Crested Butte Academy and the sale of the ski area. Closing for the sale is slated for March 1st.

Councilmember Duba: Report on Region 10 Meeting. Councilmember Duba stated the Region 10 Board met and discussed how they do business, the purpose of the Board, the revolving loan fund, regional transportation issues, and meeting schedules.

Councilmembers Smits and Simillion: Nothing to report.

Adjournment: The meeting adjourned at 7:40 P.M.

Mayor

City Clerk